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SEP 23 2009

Docket No.: 284502000800
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ping CHIEN et al.

Application No.: 10/574,212

Confirmation No.: 7921

Filed: 11/14/2006

Art Unit: 1797

For: MULTI-METAL-NITROGEN COMPOUNDS
FOR USE IN HYDROGEN STORAGE
MATERIALS

Examiner: Frank M. LAWRENCE
JR.

DECLARATION OF ZHITAO XIONG UNDER 37 C.F.R. §1.132

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

I, Zhitao Xiong, declare as follows:

1. I am a named inventor of the above-referenced patent application (the "application"). Ping Chen is also a named inventor of the application.
2. Though I am now holding the position of associate professor at, and am an employee of, Dalian Institute of Chemical Physics, the work in the application was done during my term of appointment (senior research fellow) at National University of Singapore. I have assigned my rights in the application to the University of Singapore, the present assignee of the application.

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3. I have reviewed the disclosure of the application, the application's pending claims, the Office Action mailed February 24, 2009 (the "Office Action"), and the cited reference, US Patent Application Publication No. 2003/0129126 A1 (the "Chen et al. publication").
4. I am a named inventor of the Chen et al. publication. Ping Chen and Jizhong Luo are also named inventors of the Chen et al. publication.
5. I understand that the Examiner, in the Office Action, has rejected certain claims of the application as being anticipated by the disclosure of certain subject matter in the Chen et al. publication.
6. Specifically, the Office Action states that the Chen et al. publication teaches the "ternary nitrides that can be used for reversible hydrogen absorption at -50° C to about 600° C in a reservoir, comprising a mixture of different cations that can include Li, Mg, Ca, or Al (see abstract, paragraphs 62-66, 89-91)", and that "[t]he nitrides are inherently capable of desorbing 60% or more of absorbed hydrogen because they are the same compositions that are defined in the instant specification" (the "cited subject matter").
7. I and Ping Chen conceived of the cited subject matter relied on in the Office Action, having formed in our minds the definitive and permanent idea of the cited subject matter's operation and application. The cited subject matter of the Chen et al. publication originated solely with Ping Chen and me.
8. Jizhong Luo, though he is a named inventor of the Chen et al. publication, did not contribute to the conception of the cited subject matter relied on in the Office Action.
9. I, Zhitao Xiong, do hereby state and declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

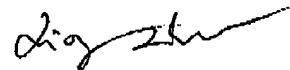
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statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

13 July 2009

Date

Zhitao Xiong, Ph.D.

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